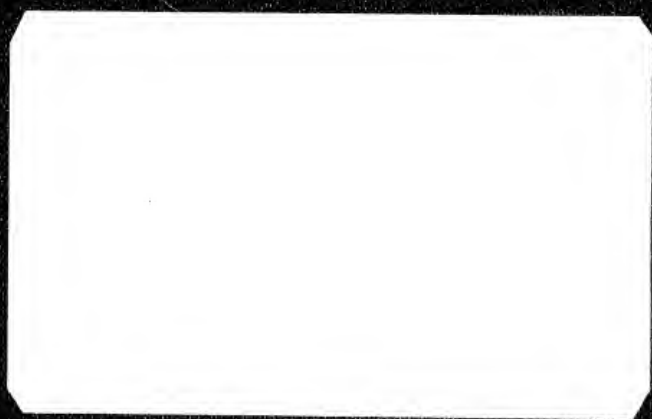


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Class 210

Book 210

CELEBRATION

OF

JEFFERSON'S BIRTHDAY

IN WASHINGTON.

WEDNESDAY, APRIL 13, 1859.

WASHINGTON, D. C.
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MR. BLAIR'S ADDRESS.

The friends of Freedom in Washington, under the auspices of the Republican Association, celebrated the birthday of Thomas Jefferson, on Wednesday, the 13th instant, with great spirit and enthusiasm. In the afternoon, one hundred guns were fired, partly in honor of the day, and also in celebration of the recent Republican triumphs in Connecticut, Rhode Island, Missouri, Michigan, and other States.

In the evening, a large audience assembled at Odd Fellows Hall, to hear an oration in memory of the life, character, and principles of Mr. Jefferson. The occasion was enlivened by the presence of the Marine Band, which played national and patriotic airs at the intervals in the proceedings. Francis P. Blair, sen., Esq., presided, and introduced the proceedings by the following address, which briefly and perspicuously sets forth the nature and objects of the Republican organization.

GENTLEMEN: There never was a more propitious moment than the present to revive the recollection of the principles and Administration of Jefferson. When a spurious currency has filled the channels of circulation, it can only be expelled by putting it in competition with the real standard of value. We have a party in power who affect to represent Mr. Jefferson, and carry out his doctrines in the conduct of the Government. They take the name of National Democrats. The Republican party have brought this "counterfeit presentment" of the true faith which Mr. Jefferson inculcated to the test in the measures they have submitted to the country, to restore the original principles of the Government

I propose, as a preface to the proceedings of this meeting, to present a naked schedule of the acts of the National Democracy, in contrast with the measures urged by their Republican adversaries, and compare both with Jefferson's standard.

The Democrats now deride the name of Republicans. This, we learn from Jefferson's Anas, was, at the threshold of Washington's Administration, a name which excited some repugnance in Washington, when used in some document prepared for him by Jefferson. Republican, Washington held to be the true title of our national institution. But it was doubtless obnoxious to that section of Washington's Cabinet which held the French Republic in odium, and employed the disagreeable association to prejudice him against its designation, as recommended by Jefferson. Washington adopted, finally, the name preferred by Jefferson, in his own official communications to Congress. The opponents of the present Administration would restore the glory of the term which Jefferson suggested, and which Washington adopted, but which the oligarchs of that time and of this disavow and endeavor to bring into contempt.

2. Jefferson held that "*Governments are republican only in proportion, as they embody the will of the people, and execute it.*"

This is the true definition of popular sovereignty under our form of Government. It has been the constant aim of the National Democracy to stifle the principle, while professing to adopt it. The leaders of the party and its successive administrations have been the accomplices of all the fraud, violence, and corruption, which have during six years been employed, not only to defeat the will of the people of Kansas, but the will of the nation, in refer-

ence to the establishment of Slavery in that Territory, and that west and south of Kansas. The Republicans have fought the battle for the rights of the people there, and throughout the Union, and in the neighboring nations.

3. Jefferson was in favor of "general suffrage," and "equal representation in the Legislature." The Democratic party, in its new pledge, commits itself to the doctrines of that party in the South which subjects suffrage to the slaveholding oligarchy; that power rendering the popular vote for the most part nugatory, by gerrymandering the States, so as to give the strong negro districts absolute preponderance in the State Governments; the result being, on the whole, the monopoly of the soil by means of the monopoly of slave labor; unequal representation, in consequence of the control of the suffrage of the poor; a monopoly of all the official power in the hands of the caste holding slaves, and the disfranchisement of the great mass of the people holding none.

4. Jefferson was opposed to an irresponsible Judiciary, and denied the right of the bench of judges to decide political questions for the nation, and to the obligation of the co-ordinate department of the Government to submit themselves to the construction of the Constitution imposed by the court. The Democratic party and Administration deny this doctrine, and hold the *obiter dictum* of the Supreme Court, that this country can have no colonies, as a part of the Constitution; and its decision, that Slavery is the law of the Territories in virtue of the Constitution, and in spite of National Territorial legislation, is conclusive to make it the duty of both to protect it there as an inviolable institution. The reasoning renders this decision as applicable to States as to Territories. The Republicans hold Jefferson's opinion, that the decision of the court is not obligatory on Congress or the country, and may be rightfully opposed and reversed.

5. Jefferson considered the security and purity of the elective franchise as the basis of representative institutions. The Democratic party and its successive Administrations have practiced upon a wholly different principle. They assess the office-holders here and throughout the Union, to raise means to corrupt the elections. They give contracts to individuals who advance money to carry the elections—and this in opposition to the law giving contracts to the lowest bidders. They use the public money to enlist multitudes of laborers, not required by the service, and pay them as voters; colonizing them in navy yards and other national establishments, where they may hold the balance between the contending parties in elections. They corrupt members of Congress, not only by the use thus made of public money to control elections, but by authorizing them to sell contracts and dispose of public offices, taking a premium for the negotiation. The Republicans, in the committees that have

brought these abuses to light, denounce them, and propose their correction. The Democrats apologize for the offenders, and labor to screen them.

6. Jefferson maintains State Rights as a barrier against a consolidated government. The President, Senate, and Judiciary—the power of the Democracy in the Government—conspire to sacrifice the rights of the States, by the construction they impose on the Constitution. With them, the States can have no rights but those admitted by the Supreme Court. The Senate, too, has, in the case of Bright and Fitch, assumed power to defeat the right of a State to choose its own Senators, and substitute Senators, by a party vote of a majority of the Senate itself, for those elected by the Legislature of the State. In the case of Harlan, it excluded a Senator chosen by a joint meeting of the Legislature of Iowa, called by both branches, on the pretext that a majority of both branches did not participate in the election. In the case of Bright and Fitch they assumed that a majority vote in one branch of the Legislature made a legal election, although the majority of the other branch not only refused to make a joint meeting to go into the election, but protested against it. The people of Indiana were appealed to, to vindicate the State against this assumption of the Senate of the United States. They maintained the right of the State Legislature to elect Senators to supplant those chosen by only one Legislative branch, and both branches of the new Legislature united to elect Senators. The Senators of Indiana were refused even a hearing before the usurping majority in the United States Senate, and thus it has in effect appointed Senators for the State of Indiana against its will.

7. Jefferson was in favor of the diffusion of knowledge. This is marked by his effort to get the counties divided into townships, with a view to have primary schools in each. The hostility of the Democracy to the diffusion of knowledge is marked by the neglect in all the States of the South, which give law to the Democracy, to establish primary schools, and by the late veto of the President, at the behest of that party, put on the bill making a large grant of land to each of the States of the Union, to establish schools to diffuse knowledge among the people.

8. Jefferson inscribed his character as a friend to free labor on the Ordinance of 1787, reserving the whole public domain then acquired, for those who lived by it. The Democracy has inscribed its character, in reference to free labor, in the Kansas-Nebraska act, the Lecompton Constitution, and the judicial decision opening all the Territories to Slavery.

9. Jefferson advocated the division of the lands among small freeholders, and favored little tenements rather than great domains. The strangling of the Homestead bill in the Senate, which was carried by the united Re-

publican vote of the House, discriminates the enemies from the advocates of the Jefferson party.

10. It was Jefferson's apothegm, "We must make our election between economy and liberty, or profusion and servitude." The present Administration has more than doubled the expenditures of Mr. Van Buren's Administration.

11. Mr. Jefferson abhorred a public debt. Enumerating the dangers which threatened free government, he said, "the fore horse of this frightful team is a public debt."

The Government party has in two years sunk a large surplus in the Treasury, and created a public debt. Its new measures look to a large accumulation of it, showing that a national debt is a part of their system of policy. The extinction of the public debt, and provision against the organization of another, is the policy of the Republicans.

12. It was a cardinal principle in politics with Jefferson, *that Slavery begets Slavery*. He therefore maintained the necessity of the gradual extinction of Slavery; and the removal of the subject caste is indispensable to the preservation of the liberties of the whole laboring class, and the preservation of the Republican form of government. It is the policy of the National Democratic party to preserve and extend Slavery, as an institution replete with blessings to mankind, and essential to the glory of our Government. It is on this main issue that the Republican party go with Jefferson against the National Democracy, and submit the trial to the country.

I might extend indefinitely this catalogue of antagonisms between the policy of Jefferson and that of the present enslaved Administration. There is, indeed, nothing in common between them; and there could be, in the nature of things, no agreement in any essential point between Mr. Jefferson, who was the apostle of Freedom and Equality, and a party deriving its power from Slavery, and bent on extending and perpetuating it. Nor do they conceal their malice at every encounter with the principles or suggestions of policy which he has left to posterity.

But it does not follow, because the oligarchists hate Jefferson, and know that their schemes are utterly repugnant to his principles, that they will not seek to draw support to themselves by perverting his language and acts. Not at all.

They depend mainly upon imposture and fraud to maintain their power; and those who obtain power wrongfully, and undertake wicked and illegal enterprises to extend it, are not scrupulous in adopting devices to gloss over their schemes, or in endeavoring to assimilate them to the approved acts of public benefactors. It is for this reason that, whilst hating the name of Jefferson, and opposing in every form his policy of elevating the masses by making all men free, providing for their education, and enabling them to have freeholds, the oligarchists are now attempting to assimilate their designs against Cuba to Mr. Jefferson's acquisition of Louisiana. It is a shallow device. A mere glance at what Mr. Jefferson did, and proposed to do, as compared with what they propose to do, will show that in this, as on any other point of their policy, they are utterly antagonistic to the views and objects of Mr. Jefferson. Mr. Jefferson, in the purchase of Louisiana, acquired for \$15,000,000 half a continent of rich vacant domain, to be planted with free States. They propose to give hundreds of millions for an island covered with slaves, to be secured by a standing army, and looking finally to the creation of an Empire founded on compulsory labor throughout all the tropics. Mr. Jefferson, on the contrary, looked to that region as the place where free homes were to be acquired for the colored people among us, to fulfill his cherished scheme of separating the races, which he regarded as essential to the Freedom of either. The result of the projected conquest of Cuba will be the renewal of the slave trade, to bring Africa in chains to the work of the West Indies, whilst the poor caste of the white race in our Southern regions are to be converted into a soldiery to maintain the process. This mode of acquisition bodes war with foreign Powers, a separation of the Union, and, if the wild hopes of the projectors could be accomplished, would renew around the Gulf of Mexico a sort of Turkish domain, like that which once embraced the Mediterranean in its bosom. These Saracens of the South, who would propagate Slavery with the sword, must expect a crusade against this scheme, by all the nations of the New World that love Freedom. Peace was the object and the result of Mr. Jefferson's acquisition, under the banner of Liberty. War, civil and servile, must follow in the train of this new project to extend Slavery.

READING OF THE DECLARATION OF INDEPENDENCE.

After a fine piece of music from the band, Mr. Blair introduced Major Benjamin B. French as the person selected to read the Declaration of Independence.

Mr. French prefaced the reading of that cherished paper with the following remarks :

My Friends and Fellow Citizens :

About eighty-three years ago, the hand of the man the anniversary of whose birth we meet here this evening to celebrate, was engaged in writing one of the most remarkable papers which ever emanated from mortal brain. It was the *great charter* of our Liberties—our Declaration of Independence.

On the fourth of July, 1776, that glorious Declaration was unanimously adopted by the Congress of the United Colonies, and this Nation assumed its rank among the Nations of the earth as "the United States of America."

On that day, or immediately subsequent thereto, that Declaration received the signatures

of fifty-six men—brave, determined, resolute—men who had *declared* their rights, and, at all hazards, were determined to maintain them—men whom we may well be proud to call our political fathers, and whose like we ne'er shall look upon again.

That Declaration emanated from the brain and came from the pen of *Thomas Jefferson*, well and truly designated as "the great Apostle of Liberty," whose republican principles we adopt, whose memory we revere, and the anniversary of whose birth we have met here to commemorate.

Most appropriate and most proper, then, it is that we should listen to that Declaration ; and the welcome duty of reading it has been assigned to me, which I shall now proceed to perform.

Mr. French then, in a clear and audible voice, and with much emphasis, read the Declaration of Independence. (Mr. French's remarks and the reading were received with applause.)

MR. GOODLOE'S ORATION.

After another air from the band, the Chairman introduced to the audience Mr. Daniel R. Goodloe, of North Carolina, who proceeded to deliver the following oration :

Mr. Chairman, and Ladies and Gentlemen :

The name of Jefferson is familiar to you as "household words," and it would be superfluous to recount in detail the events of his life. He was born at a place called Shadwell, in what is now the fine county of Albemarle, on the 2d of April, 1743, old style ; which corresponds to the 13th, under the new computation of time. He was educated at William and Mary College, whose venerable walls have been consumed by fire during the present year. His education, in the judgment of modern critics, was most thorough, and he continued to add to his stores of knowledge, scientific and literary, as well as political, until the day of his death.

Like most young Virginians of opportunity and ambition, he read the law, and was admitted to the bar. He pursued the study and practice with avidity for some years, and was rapidly rising into reputation, when his zeal in behalf of his country and its liberties diverted him from the law, and absorbed him in politics. He was never distinguished as a public speaker. Few men have been more celebrated for conversational eloquence than Mr. Jefferson ; but his voice is said to have lacked compass and strength for public speaking. His natural diffidence was also an impediment to his success in oratory ; and like Franklin, Washington, and other great men, he was rather distinguished for wisdom and weight of character, than for the faculty of moving the passions of men by displays of oratory. In this country, where the gift of public speaking is so common, and where good oratory is not rare, we can forgive Nature, if Nature were to blame,

for denying to a mind like Jefferson's the charm of oratory; and it may well be doubted if the laurels of the orator would not have been taken from the brow of the philosophic statesman. Nature cannot afford to give all her choice gifts of genius to one mind. To one she gives the pre-eminent endowment of thought, to another action, to another oratory. It is the glory of Jefferson to have been the philosopher of the Revolution—excelling even Franklin in this respect; for Franklin, with all his matchless powers, had dedicated them to the advancement of physical science, long before the events which led to the Revolution had transpired.

Mr. Jefferson grew up and his mind matured in the midst of these stirring events. His patriotic enthusiasm was aroused, and he was among the first to take sides with his country against the Crown and Parliament of England. I will not weary you with a recital of the various political functions which he filled, much less shall I attempt to show the important part which he played on the public stage; it will be sufficient for my purpose to touch upon the salient points of his public life, in order to show the identity of modern Republicanism with the principles of Mr. Jefferson.

This will be my object on the present occasion; and I will at the same time show that no other party in this country has any affinity with Jefferson. I make no arrogant boast; the task is easy. Any man of common intelligence, who will read twenty or thirty pages of Jefferson's writings, and contrast them with the political history of the last two or ten years, can do the same thing.

I will not confine my examination of the political principles of Jefferson to the subject of Slavery; I intend to show that his views of State Rights, and of the relative power of the State and Federal Governments, are in harmony with those of the Republican party; while the party now in power is thoroughly committed, in word and deed, to the most ultra Federalism.

I begin, however, with the Slavery question, because that is the great issue before the country; the great issue which has been the nucleus and centre of the Republican party, and which has at the same time been the rock which has shattered all other parties to atoms.

Let me first briefly state the principles and objects of this new party.

The Republican party has proposed no invasion of the rights of the States—no intermeddling by Congress with Slavery in the States; but it insists upon the right of Congress to exclude Slavery from the Territories, to consecrate them to free white labor, and to rear upon them States constituted, not of a handful of wealthy slaveholders, surrounded by thousands of black slaves, but States composed of free-men, white men, who will give invincible strength to the nation.

The Republican party also insists upon the right of freedom of speech and of the press. It insists upon, and when it attains the control of the Federal Government it will encourage, that sort of freedom of speech in all the South which for two or three years has existed in St. Louis, and whose fruits have been more than one triumphant election.

The Republican party is not in favor of the amalgamation of the white and black races, nor of a population composed of two separate races. Nine-tenths of its members, while they condemn the injustice which enslaves the black man, are anxious for his colonization, in Africa, in Mexico, in Central America, in South America, or in the West Indies. That party will favor the colonization of the free people of color and emancipated slaves, with their own consent, in any of these countries, and a proposition to this effect has been made in each branch of Congress, by distinguished Republicans.

I intend to show, that in every one of these principles and proposed measures the Republican party of the present day is only treading in the footsteps of Thomas Jefferson—only proposing to carry out his principles and measures—only endeavoring to realize the dream of his life.

It would be equally as easy to show that in this leading feature of the Republican platform it has the sanction of nearly every great and good name which achieved renown during the Revolution, whether in the field or in the council. It would be easy to quote Washington, Franklin, Madison, the Adamses, the Randolphs, Mason, Henry, Pinckney, in support of the Republican principles above laid down; but I shall have enough to do at present to use the materials furnished by the writings of Jefferson himself.

Democracy with Mr. Jefferson was a synonym for universal freedom. The first sentence of the Declaration of Independence is demonstrative of this truth. It declares that "all men are created equal," and "endowed by their Creator with certain unalienable rights, among which are life, liberty, and the pursuit of happiness." I am aware that it has been maintained by desperate demagogues that this declaration of rights was not intended to embrace black men; but there exists the most abundant testimony to the contrary. Mr. Jefferson was fully committed to the universality of Freedom before he became a member of the Continental Congress. In his celebrated paper on the "Rights of British America," prepared while he was a member of the General Assembly of Virginia, and published in 1774, he says:

"The abolition of domestic Slavery is the greatest object of desire in these Colonies, where it was unhappily introduced in their infant state."

In his original draft of the Declaration of Independence he used the following language: "He (the King) has waged cruel war

Democratic party still clings? Let us see. There is the question of State rights. This principle is multiform in its applications. Jefferson and his party employed it to resist the alien and sedition laws. Calhoun and South Carolina revived it for the purpose of resisting what they denounced as an odious and unconstitutional scale of tariff duties, designed not for revenue, but for protection to American producers, at the expense of the consumers. Wisconsin, Vermont, and Massachusetts, are applying it to the nullification of the fugitive slave law, which they insist, and which Mr. Webster, Mr. Rhett of South Carolina, and the Charleston *Mercury*, declared to be, in their judgments, unwarranted by the Constitution. I shall not stop to defend or to criticise any of these applications of the principles of State Rights. My object is to show what those principles are.

The doctrine, as defined by Mr. Jefferson, may be briefly stated thus, viz: the States having reserved to themselves all powers not specifically granted to the Federal Government, and the Constitution being a compact among the States, the right to judge of its infringement belongs to the States themselves. If the sole power of determining constitutional questions is surrendered to the Federal Government, or to any one of its departments, the effect is to surrender all independence on the part of the States, and they are forever bound hand and foot by the decisions of the Supreme Federal tribunal. The Federal Government is itself the creature of the States, and the Supreme Court is the creature of the Federal Government; hence, to make the Supreme Court the final arbiter of constitutional questions, is to subordinate the creators to their creature's creature. So reasoned Jefferson and John Taylor of Caroline, and so believed the Republican party of their day.

In order that I may place this matter clearly before you, I will read to you extracts from Mr. Jefferson's writings, and then I propose to contrast with them the more recent teachings of the so-called Democratic party.

In the 9th volume of Mr. Jefferson's Works, at page 464, I find a series of resolutions which the compiler of his Works thinks were the original of the famous Kentucky resolutions of 1799. The Virginia resolutions of 1798, of which you have heard so much, were from the pen of Mr. Madison; and they are substantially the same as those written by Mr. Jefferson for Kentucky. The first of these is as follows:

"1. *Resolved*, That the several States composing the United States of America are not united on the principle of unlimited submission to their General Government, but that by a compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes—delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to

their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party; that the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among Powers having no common judge, each party has an equal right to judge for itself as well of infractions as of the measure and mode of redress."

So much for Mr. Jefferson's general view of the relations of the States to the Federal Government. I will next read from his letters, to show what he thought of the Supreme Court, which President Buchanan and his followers have apotheosized since its determination of the Dred Scott case.

In a letter to W. H. Torrance, dated Monticello, June 11, 1815, Mr. Jefferson says:

"The second question, whether the judges are invested with exclusive authority to decide on the constitutionality of a law, has been heretofore a subject of consideration with me in the exercise of official duties. Certainly there is not a word in the Constitution which has given that power to them, more than to the Executive or Legislative branches. Questions of property, of character, and of crime, being ascribed to the judges through a definite course of legal procedure, laws involving such questions belong, of course, to them; and as they decide on them ultimately, and without appeal, they of course decide for *themselves*. The constitutional validity of the law or laws again prescribing Executive action, and to be administered by that branch ultimately, and without appeal, the Executive must decide for *themselves* also, whether under the Constitution they are valid or not. So also as to the laws governing the proceedings of the Legislature, that body must judge for *itself* the constitutionality of the law, and equally without appeal or control from its co-ordinate branches. And, in general, the branch which is to act ultimately, and without appeal, on any law, is the rightful expositor of the validity of the law, uncontrolled by the opinions of the other co-ordinate authorities. It may be said that contradictory decisions may arise in such case, and produce inconvenience. This is possible, and is a necessary failing in all human proceedings. Yet the prudence of the public functionaries and authority of public opinion will generally produce accommodation."—*Jefferson's Complete Works*, vol. 6, pages 661, 662.

It would be difficult to find two theories of the Constitution more widely different than this one of Jefferson, and that of President Buchanan, as laid down in his inaugural, his

Silliman letter, and his messages in regard to Kansas. But I will come to that presently.

On this subject of the power of the Supreme Court, numbers of Mr. Jefferson's letters might be quoted, to the same purport as the above. I have only time to present brief extracts. In a letter to Judge Roane, dated Poplar Forest, September 6, 1819, he says, referring to the Supreme Court:

"In denying the right they usurp, of exclusively explaining the Constitution, I go further than you do, if I understand rightly your quotation from the *Federalist* of an opinion that 'the Judiciary is the last resort in relation to the other departments of the Government, but not in relation to the rights of the parties to the compact under which the Judiciary is derived.' If this opinion be sound, then indeed is our Constitution a complete *felo de se*. For, intending to establish three departments, co-ordinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone the right to prescribe rules for the government of the others, and to that one, too, which is unelected by, and independent of, the nation."

* * * "The Constitution, on this hypothesis, is a mere thing of wax, in the hands of the Judiciary, which they may twist and shape into any form they please. It should be remembered as an axiom of eternal truth in politics, that whatever power in any Government is independent, is absolute also; in theory only at first, while the spirit of the people is up, but in practice as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law."

To Thomas Ritchie, whose name as the editor of the Richmond *Enquirer* is familiar to us all, Mr. Jefferson wrote, under date of December 25, 1820, as follows:

"The Judiciary of the United States is the subtle corps of sappers and miners, constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special Government, to a general and supreme one alone."

I should weary you if I were to quote a tithe of what Mr. Jefferson has left us on this subject. What I have presented will suffice to show you that he entertained a deep-seated jealousy of Federal encroachments upon the rights of the States, and that he utterly repudiated the modern doctrine of the party which claims to be Democratic, that the Supreme Court is the final arbiter of constitutional questions.

I now present the views of the modern Democracy touching these questions of constitutional power and the authority of the Supreme Court. I know that the President has fallen into disrepute with large sections of his party; but, inasmuch as the sentiments advanced in his inaugural, in his Silliman letter, and in his

first annual message, were universally applauded, North and South, as the very perfection of human wisdom and statesmanship, I make bold to assume that the passages which I shall quote from these documents express the settled principles of the Democratic party. In his inaugural, delivered March 4, 1857, the President says:

"A difference of opinion has arisen in regard to the point of time when the people of a Territory shall decide this question (meaning Slavery) for themselves.

"This is, happily, a matter of but little practical importance. Besides, it is a judicial question, which legitimately belongs to the Supreme Court of the United States, before whom it is now pending, and will, it is understood, be *speedily and finally settled*. To their decision, in common with all good citizens, I shall cheerfully submit, whatever this may be, though it has ever been my individual opinion that, under the Nebraska-Kansas act, the appropriate period will be when the number of actual residents in the Territory shall justify the formation of a Constitution with a view to its admission as a State into the Union."

Mr. Jefferson contended that the co-ordinate branches of the Government—that is to say, the Executive, the two Houses of Congress, and the Supreme Court—have each the right of judging for themselves of the constitutionality of questions; that the States severally have the same right; and that the people at large are to be the final arbiters. But, according to our modern oracle of Democracy, the people are bound, like obedient subjects, to submit at discretion to the decision of the Supreme Court. The President sets them the example, by surrendering the Executive authority to what Mr. Jefferson describes as "the subtle corps of sappers and miners," who are at work night and day in the effort to overthrow the Constitution, and convert the Federal Government into a despotism.

In the President's letter to Professor Silliman, dated August 15, 1857, he uses the following language: "Slavery existed at that period, (that is to say, when the Nebraska bill was passed,) and still exists, in Kansas, under the Constitution of the United States. *This point has at last been finally settled*, by the highest tribunal known to our laws."

Here, again, the President sets the Supreme Court above the Executive, above the Congress, and above the people. He reiterates the sentiments of his inaugural; and the party, from Maine to Texas, cry amen, and denounce as traitors all who dare question the truth of the President's views. The files of the Virginia papers, and even those of South Carolina, for two or three months after the date of this letter, teem with laudations of it, and fully endorse its ultra Federal sentiments.

I know that whenever the States Rights principles of Mr. Jefferson happen to chime in with

Democratic party still clings? Let us see. There is the question of State rights. This principle is multiform in its applications. Jefferson and his party employed it to resist the alien and sedition laws. Calhoun and South Carolina revived it for the purpose of resisting what they denounced as an odious and unconstitutional scale of tariff duties, designed not for revenue, but for protection to American producers, at the expense of the consumers. Wisconsin, Vermont, and Massachusetts, are applying it to the nullification of the fugitive slave law, which they insist, and which Mr. Webster, Mr. Rhett of South Carolina, and the Charleston *Mercury*, declared to be, in their judgments, unwarranted by the Constitution. I shall not stop to defend or to criticise any of these applications of the principles of State Rights. My object is to show what those principles are.

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In the 9th volume of Mr. Jefferson's Works, at page 464, I find a series of resolutions which the compiler of his Works thinks were the original of the famous Kentucky resolutions of 1799. The Virginia resolutions of 1798, of which you have heard so much, were from the pen of Mr. Madison; and they are substantially the same as those written by Mr. Jefferson for Kentucky. The first of these is as follows:

"1. *Resolved*, That the several States composing the United States of America are not united on the principle of unlimited submission to their General Government, but that by a compact, under the style and title of a Constitution for the United States, and of amendments thereto, they constituted a General Government for special purposes—delegated to that Government certain definite powers, reserving, each State to itself, the residuary mass of right to

their own self-government; and that whensoever the General Government assumes undelegated powers, its acts are unauthorized, void, and of no force; that to this compact each State acceded as a State, and is an integral party, its co-States forming, as to itself, the other party; that the Government created by this compact was not made the exclusive or final judge of the extent of the powers delegated to itself, since that would have made its discretion, and not the Constitution, the measure of its powers; but that, as in all other cases of compact among Powers having no common judge, each party has an equal right to judge for itself as well of infractions as of the measure and mode of redress."

So much for Mr. Jefferson's general view of the relations of the States to the Federal Government. I will next read from his letters, to show what he thought of the Supreme Court, which President Buchanan and his followers have apotheosized since its determination of the Dred Scott case.

In a letter to W. H. Torrance, dated Monticello, June 11, 1815, Mr. Jefferson says:

"The second question, whether the judges are invested with exclusive authority to decide on the constitutionality of a law, has been heretofore a subject of consideration with me in the exercise of official duties. Certainly there is not a word in the Constitution which has given that power to them, more than to the Executive or Legislative branches. Questions of property, of character, and of crime, being ascribed to the judges through a definite course of legal procedure, laws involving such questions belong, of course, to them; and as they decide on them ultimately, and without appeal, they of course decide for *themselves*. The constitutional validity of the law or laws again prescribing Executive action, and to be administered by that branch ultimately, and without appeal, the Executive must decide for *themselves* also, whether under the Constitution they are valid or not. So also as to the laws governing the proceedings of the Legislature, that body must judge for *itself* the constitutionality of the law, and equally without appeal or control from its co-ordinate branches. And, in general, the branch which is to act ultimately, and without appeal, on any law, is the rightful expositor of the validity of the law, uncontrolled by the opinions of the other co-ordinate authorities. It may be said that contradictory decisions may arise in such case, and produce inconvenience. This is possible, and is a necessary failing in all human proceedings. Yet the prudence of the public functionaries and authority of public opinion will generally produce accommodation."—*Jefferson's Complete Works*, vol. 6, pages 661, 662.

It would be difficult to find two theories of the Constitution more widely different than this one of Jefferson, and that of President Buchanan, as laid down in his inaugural, his

Silliman letter, and his messages in regard to Kansas. But I will come to that presently.

On this subject of the power of the Supreme Court, numbers of Mr. Jefferson's letters might be quoted, to the same purport as the above. I have only time to present brief extracts. In a letter to Judge Roane, dated Poplar Forest, September 6, 1819, he says, referring to the Supreme Court:

"In denying the right they usurp, of exclusively explaining the Constitution, I go further than you do, if I understand rightly your quotation from the *Federalist* of an opinion that 'the Judiciary is the last resort in relation to the other departments of the Government, but not in relation to the rights of the parties to the compact under which the Judiciary is derived.' If this opinion be sound, then indeed is our Constitution a complete *felo de se*. For, intending to establish three departments, co-ordinate and independent, that they might check and balance one another, it has given, according to this opinion, to one of them alone the right to prescribe rules for the government of the others, and to that one, too, which is unelected by, and independent of, the nation."

* * * "The Constitution, on this hypothesis, is a mere thing of wax, in the hands of the Judiciary, which they may twist and shape into any form they please. It should be remembered as an axiom of eternal truth in politics, that whatever power in any Government is independent, is absolute also; in theory only at first, while the spirit of the people is up, but in practice as fast as that relaxes. Independence can be trusted nowhere but with the people in mass. They are inherently independent of all but moral law."

To Thomas Ritchie, whose name as the editor of the Richmond *Enquirer* is familiar to us all, Mr. Jefferson wrote, under date of December 25, 1820, as follows:

"The Judiciary of the United States is the subtle corps of sappers and miners, constantly working under ground to undermine the foundations of our confederated fabric. They are construing our Constitution from a co-ordination of a general and special Government, to a general and supreme one alone."

I should weary you if I were to quote a tithe of what Mr. Jefferson has left us on this subject. What I have presented will suffice to show you that he entertained a deep-seated jealousy of Federal encroachments upon the rights of the States, and that he utterly repudiated the modern doctrine of the party which claims to be Democratic, that the Supreme Court is the final arbiter of constitutional questions.

I now present the views of the modern Democracy touching these questions of constitutional power and the authority of the Supreme Court. I know that the President has fallen into disrepute with large sections of his party; but, inasmuch as the sentiments advanced in his inaugural, in his Silliman letter, and in his

first annual message, were universally applauded, North and South, as the very perfection of human wisdom and statesmanship, I make bold to assume that the passages which I shall quote from these documents express the settled principles of the Democratic party. In his inaugural, delivered March 4, 1857, the President says:

"A difference of opinion has arisen in regard to the point of time when the people of a Territory shall decide this question (meaning Slavery) for themselves.

"This is, happily, a matter of but little practical importance. Besides, it is a judicial question, which legitimately belongs to the Supreme Court of the United States, before whom it is now pending, and will, it is understood, be *speedily and finally settled*. To their decision, in common with all good citizens, I shall cheerfully submit, whatever this may be, though it has ever been my individual opinion that, under the Nebraska-Kansas act, the appropriate period will be when the number of actual residents in the Territory shall justify the formation of a Constitution with a view to its admission as a State into the Union."

Mr. Jefferson contended that the co-ordinate branches of the Government—that is to say, the Executive, the two Houses of Congress, and the Supreme Court—have each the right of judging for themselves of the constitutionality of questions; that the States severally have the same right; and that the people at large are to be the final arbiters. But, according to our modern oracle of Democracy, the people are bound, like obedient subjects, to submit at discretion to the decision of the Supreme Court. The President sets them the example, by surrendering the Executive authority to what Mr. Jefferson describes as "the subtle corps of sappers and miners," who are at work night and day in the effort to overthrow the Constitution, and convert the Federal Government into a despotism.

In the President's letter to Professor Silliman, dated August 15, 1857, he uses the following language: "Slavery existed at that period, (that is to say, when the Nebraska bill was passed,) and still exists, in Kansas, under the Constitution of the United States. *This point has at last been finally settled*, by the highest tribunal known to our laws."

Here, again, the President sets the Supreme Court above the Executive, above the Congress, and above the people. He reiterates the sentiments of his inaugural; and the party, from Maine to Texas, cry amen, and denounce as traitors all who dare question the truth of the President's views. The files of the Virginia papers, and even those of South Carolina, for two or three months after the date of this letter, teem with laudations of it, and fully endorse its ultra Federal sentiments.

I know that whenever the States Rights principles of Mr. Jefferson happen to chime in with

the prevalent passion of the "Democracy" in those States, they are not slow to make use of them; but they can never more pretend to an inviolable faith in and devotion to those principles, after endorsing these Federal heresies of Mr. Buchanan.

I will read for your edification a few other authoritative "Democratic" endorsements of Mr. Buchanan's Federalism. The Washington *Union* has been the recognised official organ of the Government, representing the President and his Cabinet. It is rumored that this paper is about to change its name, for some reason; but there is no ground for hope that its endorsement of the President's inaugural, or the Dred Scott decision, has made a change of name desirable. That journal contained a leading editorial, March 11, 1857, from which I will read you a few lines. It said:

"There was but one thing needed to give to the result in the Presidential contest the force of an absolute and final settlement of the sectional issue. That thing was, the judgment of the Supreme Court, in confirmation of the Democratic doctrine, which had received the popular endorsement. The decision in the Dred Scott case has furnished the closing and clinching confirmation needed; and henceforth sectional fanaticism cannot maintain its warfare, *without arraying itself distinctly against the Constitution.*"

Shade of Jefferson! What would that philosophic founder of the States Rights creed say to this? What! a Democratic organ, the organ of a Democratic Administration, declare it treason to question the validity of a Supreme Court decision!

I will not now stop to expose the assumption of the *Union*, that the people in the Presidential election endorsed the President and his views, when in fact he fell short of a popular majority by nearly four hundred thousand. I let that pass for what it is worth.

I proceed to give another high Democratic view of the Supreme Court and its authority. It is that of the late Attorney General Cushing. Just about the time the Supreme Court was about to be delivered of its famous Dred Scott opinion, Mr. Cushing, who had watched and fostered the process of gestation, was compelled to take official leave of that august body. As a member of General Pierce's Cabinet, he went out of office with it. On surrendering the seals of office, he addressed the court as follows:

"Yours is not the gauntleted hand of the soldier, nor yours the voice that commands armies, rules cabinets, or leads senates. But though you are none of these, yet you are backed by all of them. Theirs is the external power which sustains your moral authority; *you are the incarnate mind of the political body of the nation.* In the complex institutions of our country, *you are the pivot point upon which the rights and liberties of all, Government and people alike, turn; or, rather, you are the cen-*

tral light of constitutional wisdom, around which they perpetually revolve."

Here, then, is modern Democracy! Behold it, and contrast it with Jeffersonian Democracy! Mr. Jefferson declared that the Executive and Congress have an equal right with the Supreme Court to interpret the Constitution; and that the Judges of the Supreme Court are "the subtle corps of sappers and miners" who are continually mining for its overthrow.

Mr. Buchanan says that the question of Slavery in the Territories is not a political but a judicial question; and that it having been determined finally and forever by the Court, he submits his judgment, as President, to that of the Court, and declares that all good citizens will do likewise.

The Washington *Union*, the President's organ, goes a step further, and denounces all who dare question the validity of the decision, as enemies of the Constitution; while the retiring Attorney General, with a climax of eulogy, tells the Judges, in language which must have caused a blush to mantle in their venerable cheeks, that "You are the central light of constitutional wisdom, around which they (meaning what Mr. Jefferson styles the co-ordinate departments) perpetually revolve."

Well might Mr. Jefferson predict, as he did in a letter to the Hon. William T. Barry, of Kentucky, that the most disastrous consequences to the cause of true Democracy would result from the large Federal recruits which were then coming into the Democratic ranks. This prophetic letter is dated July 2, 1822. He says:

"Whether the surrender of our opponents, their reception into our camp, their assumption of our name, and APPARENT accession to our objects, may strengthen or weaken the genuine principles of Republicanism, may be a good or an evil, is yet to be seen."

Sir, I will not undertake to say that Mr. Jefferson had his sinister forebodings turned particularly to Pennsylvania when writing this letter; but I believe it was about that time that an important accession was made to the Democracy in the vicinity of Lancaster, from the ranks of Federalism. To say the least of the matter, there is a remarkable coincidence of time, and a marvellous realization of the prediction.

Having shown what were Mr. Jefferson's views upon these great questions of Slavery and States Rights, I will briefly advert to another of permanent interest, on which he was most explicit. I allude to the subject of political tolerance. When he became President in 1801, he found every place under the Government filled by his political opponents. He was opposed to proscription for opinion's sake; but at the same time justice must be done. It would not have been just to his friends, then constituting a majority of the nation, that their opponents should continue to monopolize all pat-

ronage, and hence many changes became necessary. He vindicates his course in a letter written in reply to a memorial from Connecticut, and lays down the true, humane, and statesmanlike rule of his administration as follows. Adverting to the state of things just recited, he says:

"It would have been to me a circumstance of great relief, had I found a moderate participation of office in the hands of the majority. I would gladly have left to time and accident to raise them to their just share. But their total exclusion calls for prompter corrections. I shall correct the procedure; but, that done, return with joy to that state of things when the only questions concerning a candidate shall be, Is he honest? Is he capable? Is he faithful to the Constitution?"

Such was the golden rule of Jefferson. You all know how it is kept by the present Administration. The rule now is, to require every office-holder to pay liberally to the Democratic clubs, and whoever dares refuse is immediately dismissed. The official organ some five or six months ago explicitly laid down this as the rule of action, and denounced all officials as drones who failed to comply with it, and insisted that they should at once be dismissed from the service. The test questions now addressed to applicants for office are, Is he in favor of extending and perpetuating Slavery? Does he swear allegiance to the Supreme Court and the Dred Scott decision? Will he contribute freely of his salary to the electioneering fund? He who passes this ordeal safely, need not despair.

Before concluding my remarks, I will address myself to a brief consideration of the probable consequences of the triumph of the Republican party in this country. I know that there are many good people, North and South, who are deeply anxious on this point. They fear that some terrible calamity, such as a dissolution of the Union, or civil war, will result from the election of a Republican President.

I have myself given a good deal of anxious thought to this subject; I have endeavored to analyze it, and ascertain what foundation there is for these sinister predictions. As the result of my investigations, I have arrived at the conclusion that they are wholly without reason or probability to support them.

For, in the first place, a constitutional majority of the people of the Union have the right to elect a President; the Constitution defines who may be President; and if the man chosen by the constitutional majority of the people is eligible, there can be no possible objection to his inauguration. Whoever raises his hand against the inauguration of a President legally chosen, and eligible, is a traitor, and all good law-abiding people, North and South, will sustain the Government in bringing him to condign punishment. State Rights will sustain no man in resisting the installation of a legally-elected President. So far from it, the honest champion

of the reserved rights of the States will be equally tenacious of the powers granted to the Federal Government.

But this idea of resisting the inauguration of a Republican President, which was prevalent in the South in 1856, and was threatened even by the Governor of Virginia, is no longer dreamed of except by a few mad-caps in the extreme South. On sober second thoughts, the wise men of the South, of the dominant party, have concluded to abide by the Constitution, and make no effort at resistance until their constitutional rights are invaded. The Opposition in the South, composed of old conservative Whigs and Americans, have never threatened resistance to the constituted authorities on any such issue. They will stand by the Government until the rights of the States are encroached upon by the Federal power.

And here is the point. What will the Republicans do? Will they trench upon the rights of the States?

So far as I know the sentiments of prominent Republicans, or of the masses, I know of no such purpose, and I therefore feel authorized to say that no such encroachment is contemplated.

What, then, will the Republican party do with its power? I answer, first, it will prevent the extension of Slavery into new Territories. To effect this object, it may be necessary to legislate Slavery out of them; or the result may be attained by the exercise of the moral influence of the Government. For a number of years past, this influence and patronage have been sufficient to make the Territories, as a general rule, Pro-Slavery in feeling and political bias; and, for my part, I think it will be much easier to make them Anti-Slavery than Pro-Slavery, for the reason that Freedom is in itself more reasonable, beautiful, and commendable, than Slavery. But, in any event, the Republicans claim it to be the right and duty of the Federal Government to exclude Slavery from the public domain, by act of Congress, or by moral influence, operating upon and controlling Territorial legislation.

In the second place, while the Republican party, as the States Rights party, will studiously refrain from trenching upon the reserved rights of the States, it will feel bound to wield the patronage and influence of the Federal Government for the promotion of sound morals, and the dissemination of enlightened views of public policy among the people, North and South. A Republican Administration will give no aid to the modern Pro-Slavery heresy in the South, but will endeavor to discountenance and supplant it by encouraging a return to the enlightened, liberal, and philanthropic views of Washington, Jefferson, and Madison. This the champions of Slavery and Disunion may count on; and well they may, for it is destined to produce a revolution in public sentiment at no distant day.

The free-soil tendency in all the border slave States is conspicuously manifest even now. In Missouri, it has broken out in vigorous political action. It was but the other day that your city newspapers chronicled a splendid free-soil victory in St. Louis, not the first, though the largest of its kind. All over Missouri, this free-soil sentiment is more or less prevalent and out-spoken. It is diffused through Kentucky, Western Virginia, Maryland, and Delaware; and the triumph of the Republican party in the Presidential contest will be the signal for the grandest outburst of the pent-up hopes and aspirations of the people in these States, of which our history furnishes any example. The people of the South yearn for Freedom. They are kept spell-bound and terror-stricken by the eternal hue and cry of danger to the State, kept up by a few interested agitators. These demagogues keep up a perpetual reign of terror at the South, so that no man can hope for public favor, or even for private respect, who refuses to join in it. The people look to the State Governments, and they find these agitators in power; and turning to the Federal Government, they find the same men or their creatures ready to crush every aspiration for Liberty.

The inauguration of a Republican President will reverse all this. He will stretch out the arm of Federal influence to protect and encourage Freedom, and to build up a party of Freedom in every Southern State, similar to that which exhibits such healthy growth in Missouri. Who can doubt what the effect will be? If Freedom is irrepressible, with all the weights which now oppress it, what will it not be when those weights are removed, and their influence thrown into the opposite scale?

I may be too sanguine, but I am willing to hazard the prediction, that before the end of the first Republican Presidential term, the party will carry the day in every one of the border slave States. I am equally confident that a Pro-Slavery party will never again enter the field for the Presidency, after four years of Republican rule.

What, then? Are we to have no more parties? Is the millennium at hand? Sir, I am not so hopeful as that. I cannot doubt that we shall have parties; but the issue between them will no longer be Freedom or Slavery. They will both protest allegiance to Freedom, and will only dispute about the best mode of removing Slavery.

Such are my views of the future. I have no fears of a dissolution of the Union. The Southern people, sustained by the Federal Government, will not permit a handful of discontented,

rule-or-ruin fire-eaters to dissolve the Union. Neither will they be permitted to revive that greatest crime which a nation ever embarked in—the slave trade. The laws, which brand it as piracy and punish it with death, will neither be repealed, nor suffered to sleep as they now are. The whole Union is interested in putting an end to this infamous traffic, which threatens to deluge the South with African barbarism, drive out the white population, and Africanize the continent.

Sir, we have been falsely styled Black Republicans. It is a miserable trick of demagogues to misrepresent and render us odious. While we are opposed to the enslavement of black men, we have no wish to augment the number among us by foreign importations, whether free or slave. We know that black men are tropical in origin and adaptation, and we desire to inaugurate a policy which will restore the black race to the tropical regions. If any party deserves the name of Black, it is that which advocates the perpetuation of black Slavery in these States, and which, not satisfied with the stock on hand, is now importing more from Africa. The Republican party, when it attains power, as it is destined to do at an early day, will put a stop to this iniquity, and it could do nothing better calculated to popularize itself south of Mason and Dixon's line.

I now conclude, my friends, this brief tribute to the memory, the character, and the principles of Jefferson. The party which he instituted has fallen to decay. It abandoned his principles, it has adopted those which he loathed, and, as a climax of apostacy, it has elevated to the Presidency a Federalist, whose first official declaration was to proclaim the overthrow of States Rights, their subordination to the Supreme Court, and the universality of Slavery. It remains for us to rescue the memory and principles of Jefferson from the oblivion into which they are passing, and to reassert for them their legitimate influence upon American politics.

The *Washington States* estimates that the Hall was two-thirds full. It seats eight hundred. We may add, that profound and respectful attention was given to the proceedings; and what is very unusual, although there were not more than a dozen ladies present, the audience sat with uncovered heads. Those portions of the address denouncing the extension of Slavery and the slave trade were received with rapturous applause.

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